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The documents laid before congress by the president, in compliance with its call, carry with them such a body of testimony, as regards the conduct of individuals who, under the disguise or title of *Spanish Patriots* acting under a commission, have been figuring at Galveston, Amelia, &c. sufficient, we presume, to quiet the clamors of those murmurers whose greatest achievement is to be able to find fault with the measures adopted by government. We stated in our last number that we were convinced that sufficient reasons would appear to justify the interference of the United States, as far as it has had place, and even to warrant further measures. The documents on this important subject, the publication of which, from necessity, we are obliged to postpone until the ensuing week, will establish the correctness of our opinion when laid before our readers.

SPANISH PATRIOTS, &c.

No. II.

We have stated that owing to education, religious enchainments and other causes that the mass of the people ranging themselves under the independent banners of the south, and now struggling against Spanish despotism, are a very different race both in the field and the cabinet from the men who composed our revolutionary army during our contest with England.

It is not self vanity that would indulge itself in saying that the North American people alone possessed that solidity and strength of character which was essential to the success of her arms and the establishment of a government upon just and liberal principles; but when we express our conviction of their having been better calculated than any other people to wrestle with the storms of a revolution, and afterwards to introduce the republican system, it is because that we consider their education and habits had long rendered freedom of thought, which constitutes the basis of real liberty, familiar to them, and that the ground work of an independent nation was begun in the very first emigration of our ancestors.

The patriots of the south have been suffering for two centuries the very persecutions for which our forefathers fled and even expatriated themselves to avoid. The shores of America, which were as the *paradise* of liberty to the descendants of a Penn, have been to the followers of a Pizarro a noxious nursery of superstition and slavery.— Instead of throwing off the shackles and delusion of priests and the tyranny of nobility, the

systems of the old world were only reinvigorated in the new, and the minds of the South Americans became as enfeebled in Mexico and Venezuela, as they could have been had they been nurtured in Castile or Navarre.

That the cause they are now engaged in is a holy one, and that it merits, and will yet obtain success, we should be sorry to doubt or to deny; but to revolutionize a government and to revolutionize the human mind, are two distinct operations. The one may be effected by physical strength and the result be instantaneous. The other must be the work of time and the labor is progressive. Can civil liberty be supposed to exist or have any hope of duration when religious liberty is denied? The first act of the North American people was to declare the freedom of worship, and to make no distinction between one religion and another. The Jew or the Mahometan, under our system and laws enjoy every privilege that is granted to the most devoted Christian, and are alike elective to the highest office in the gift of the people; while under the bigotry and superstition of even the present patriots of South America, a man who did not conform to a certain sect of Christianity, who did not implicitly believe and follow the doctrines of the Romish Church, would not be considered as worthy to guide their destinies or preside over their institutions. Long before our struggles with England, we had unfettered our understandings, and banished superstition. The minds of our ancestors were, therefore, emancipated, and they were but nominally the subjects of Great Britain, for they were not subjected to the rigors of any belief. The patriots of the south, although struggling against the oppressions of their tyrants are yet the subjects of their king and priests, inasmuch as they are intellectually the slaves of superstition which education and imposing errors have stamped as a part of their character.

It is not, therefore, in this generation of the southern patriots that the real germ and stamping of liberty should be sought for or expected. The work, however, has begun; and it is to be hoped and may be fairly calculated will continue; but if we presume to revolutionize the human mind, to overthrow errors and dogmas which have been taught from infancy, in a day or year, we shall find ourselves woefully mistaken. Such a work is not completed but in the lifetime of a man; it must be slow and progressive; for it strikes at the very elements of his nature, and is, as it were, changing the very circulation of the blood in his

Under such a view of the contest between the Spaniards of America, and those of Europe, it is likely that this part of the world will be the arena of various battles and with various success for a quarter of a century.

INTERNAL IMPROVEMENT.

REPORT, in part of the committee of the house of representatives of the United States, on so much of the president's message as relates to roads, canals and seminaries of learning.

December 13, 1817.—Read and committed to a committee of the whole house on Friday next

The committee to whom was referred so much of the president's message as relates to roads, canals and seminaries of learning, respectfully *Report, in part*, that they have taken into consideration the subject referred to them, and bestowed on it that attention to which, by its importance, it is eminently entitled. Involving, as it is supposed a great constitutional question on the one hand, and intimately connected, on the other, with the improvement, the prosperity, the union, and the happiness of the United States, it presents the fairest claims to candid and diligent investigation. Nor is it without additional interest from the division of opinion to which it has heretofore given rise between the executive and legislative branches of the government: a difference, which, in the indulgence of the rights of free opinion, will be still found to exist between the sentiments promulgated in the message of the President, and those which will be advanced by your committee in this report; nor do they conceive, that the expression in the message of the President of an opinion unfavorable to the constitutional powers of the general government should be permitted to have any influence on the disposition of congress to legislate on this interesting subject. For, if the constitutional majority of the two houses should differ with the executive department, the opinion of the latter, however respectable, must yield to such an expression of their will. On the other hand, if, from deference to an opinion promulgated in an executive communication, congress should refrain from entering upon the consideration of a question involving constitutional doctrine, it might happen, that the opinion of the President would prevent the enactment of a law, even though there should be the constitutional majority of two thirds of both houses in its favor. Thus, by the introduction of such a practice, the Presidential veto would acquire a force unknown to the constitution, and the legislative body would be shorn of its powers from a want of confidence in its strength, or from indisposition to exert it. Whilst your committee are perfectly aware, that nothing like this is contemplated by the executive branch of the government, they presume the house of representatives will scrupulously avoid a course, which may be construed into a dereliction of their privileges. They deem it, therefore, not improper to offer some considerations upon the question of the constitutional powers of the general government to pass laws for the improvement and construction of roads and canals, with the consent of the states.

As it is obvious, however, that these several subjects of legislation do not rest upon the same foundations, and that one of these may be within

the sphere of the constitutional powers of congress, whilst the others may belong exclusively to the states, it is proposed to treat them separately; and the subject of the improvement and construction of public roads, which appears to your committee most clearly to be reducible to the powers vested in the general government, will be first taken into consideration.

An accurate attention to the real points of difference on this subject will greatly contribute to free the controversy from unimportant and irrelevant considerations. To attain this, we have only to compare what is manifestly admitted on the one hand, with what is claimed and contended for on the other.

The laws of antecedent congresses, approved by successive executive magistrates, and the acts of the executive magistrates themselves, will be resorted to, as affording evidence of what may be regarded as conceded to be within the powers of the general government. The commendable jealousy which they have manifested of all encroachments of state power, and their scrupulous adherence to the most rigid principles of construction, in the interpretation of the constitution, affords a sure guarantee, that more has not been admitted than may fairly be assumed to be within the provisions of that instrument. Taking, then, the acts of both the legislative and executive branches of government for our guide, we shall find it clearly admitted that there are some cases, at least, in which the general government possesses the constitutional privilege of constructing and improving roads through the several states.

Thus, by the act of the 29th of March, 1806, confirmed, amended and enlarged, by subsequent acts, a road was directed to be laid out and constructed from Cumberland, in the state of Maryland, to the state of Ohio, upon obtaining the consent of the states through which it should pass. The fund provided for this noble undertaking, was to consist of the proceeds of the sales of certain lands, the property of the United States, in the state of Ohio; so that this act furnishes the double admission, that "roads may be laid out by congress through the several states, with their consent;" and that the expenses of constructing such roads may constitutionally be defrayed out of the funds of the United States. The act was approved by the President, in office, in 1806, and other acts confirming, amending and enlarging it, were passed by subsequent legislatures in the years 1810, 1811, and 1815, and approved by the President, in office, at those periods: nay, more, the three last acts contained appropriations to the amount of 210,000 dollars, payable out of any moneys in the treasury, but reimbursable out of the Ohio fund—a fund which might or might not prove adequate, and which, in point of fact, is believed hitherto to have been insufficient.

Similar to this act in some of its provisions, and analogous in principle, are the acts of April 21st, 1806 and of the 3d of March, 1811, authorizing roads to be opened from Nashville and Reynoldsburg, in the state of Tennessee, to different points in the Mississippi territory. But these acts go still further than the former, in omitting to require the previous consent of the state of Tennessee, through whose territories a part of the roads was to pass, and in directing the expenses of making them to be defrayed out of the public treasury of the United States, with-

out providing for its reimbursement, in any manner whatsoever.

But lest the influence to be derived from these admissions should be deemed to be weakened by the consideration that the collision of opinion on the constitutional question has arisen since the passage of those laws, your committee will beg leave to refer to the date of the last act above mentioned, and to certain transactions of a date subsequent to the important and well remembered difference of opinion between the executive and legislature, at the last session of congress. Since that period, they have satisfactory information that a road has been directed by the executive of the United States to be improved, at the expense of the general government, and doubtless for military purposes. This road is laid out from Plattsburg, or its vicinity, in the state of New York, to Sackett's Harbor, in the same state.

It is presumed, that it is to be constructed at the expense of the general government, and it is understood that the previous assent of the state has not been procured.

From this act, therefore, if the executive branch of the government, emanating from that source at a late date, it would seem fair to infer, that the constitution is admitted to have conferred upon the general government a power, in some cases, to make roads, and to defray the expense of their construction out of the funds of the United States. And as the power is not denied in all cases, your committee will attempt to shew that congress has the power.

1. To lay out, construct, and improve post roads through the several states, with the assent of the respective states. And,

2. To open, construct, and improve military roads, through the several states, with the assent of the respective states.

3. To cut canals through the several states, with their assent, for promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores, &c. in time of war; leaving, in all these cases, the jurisdictional right over the soil in the respective states.

In examining the soundness of these positions, your committee will not find it necessary to resort to what is called a liberal construction of the constitution. They might, indeed, contend, that as the powers here attributed to the United States are not in derogation of state rights, (since they can only be exercised by their assent) there is less reason for adhering to extreme rigor of construction. Where the authority claimed by the general government is oppressive in its character, or dangerous in its tendencies; where it is asserted without deference to state assent, and in derogation of state power; where it is calculated to aggrandize the Union, and to depress its members, there may be some reason for holding the representatives of the nation to the "letter of their authority." But where the power sought to be exercised is beneficent in its effects, and only felt in the blessing it confers; where it is not proposed to act, except with the assent of the party which is to be affected; where the measure is more calculated to increase the opulence and the power of the state, than to aggrandize the Union at its expense, it might fairly be contended that a less rigorous construction of the constitution would be justifiable. It is

neither unprecedented or improper to construe the same instrument, liberally, where the interests of the contracting parties will be thereby promoted, and to adhere to a greater strictness where injury may arise to either by an interpretation too latitudinous. That the powers in question are neither dangerous in their tendencies, or calculated to prove injurious to the states, would seem fairly inferable from the recommendation to amend the constitution, and from the importance so justly attached to these objects on all hands.

But your committee, nevertheless, do not conceive it necessary to call to their aid the liberal principles of construction which the occasion might justify. They disavow any use of the general phrase in the constitution to provide for the common defence and general welfare, as applicable to the enumeration of powers, or as extending the power of congress beyond the specified powers; and they admit that to support their positions, it must appear that the powers contended for are expressly granted, or that they are both "necessary and proper" for carrying into execution some other express power.

That congress, with the assent of the states, respectively, may construct and improve their post roads, under the power "to establish post offices and post roads," seems to be manifest both from the nature of things, and from analogous constructions of the constitution. It has been contended, indeed, that the word *establish*, in this clause of the instrument, comprehends nothing more than a mere designation of post roads. But if this be true, the important powers conferred on the general government, in relation to the post-office, might be rendered, in a great measure, inefficient and impracticable. In some states a power is vested in the inferior tribunals or county courts, to discontinue roads at their discretion; a post road designated by congress might thus be discontinued, to the great embarrassment of the post-office establishment. If the power to *establish* confers only the authority to designate, congress can have no right either to keep a ferry over a deep and rapid river, for the transportation of the mails, or to compel the owners of a ferry to perform that service; and yet our laws contain an act, acquiesced in for more than twenty years, imposing penalties on ferry men for detaining the mail, and on other persons for retarding or obstructing its passage. It would be difficult to discover how this power of imposing penalties can be supported, either as an original or accessory power, except upon principles of more liberal construction than those now advanced. There are, therefore, not a few who believe that, under the authority to "*establish*" post roads, congress have express power to lay out, construct, and improve roads, for the transportation of the mails.

But, however this may be, the authority which is conferred by the constitution to make all laws which shall be "necessary and proper" for carrying into execution the enumerated powers, is believed to vest in the general government all the means, which are essential to the complete enjoyment of the privilege of "establishing post offices and post roads." Even without this clause of the constitution, the same principle would have applied to its construction; since, according to common understanding, the grant of a

power implies a grant of whatever is necessary to its enjoyment.

Taking these principles for our guide, it may be asked, if, under the narrow rules of construction contended for, the right of transporting the mails would not be held entirely at the will of the states respectively; on the other hand, if the United States have the privilege of establishing post roads, and are under the corresponding obligation of transporting the mails, is it not essential to the performance of this duty, and to the enjoyment of this power, that they should have the right (with the assent of the respective states) to throw bridges over deep and rapid streams, to remove embarrassing and dangerous obstructions in the roads which they have the privilege of using, to level mountains which impede the velocity of transportation, and to render passable the morasses which intersect the roads through various parts of the Union? Can it be supposed that the convention, in conferring the power and imposing the duty of transporting the mails, (in its nature a matter of national concern) intended to vest in congress the mere authority to designate the roads over which it should be carried? Can it be denied, that the right to render a road passable is "necessary" to the enjoyment of the privilege of transporting the mails; or, can it be denied that such improvement, with the assent of the states, is proper?—And, if "necessary and proper," is it not justified as an incidental power?

It is, indeed, from the operation of these words, "necessary and proper," in the clause of the constitution, which grants accessory powers, that the "*assent of the respective states*" is conceived to be a pre-requisite to the improvement even of post roads. For, however "necessary" such improvement might be, it might be questioned how far an inference with the state jurisdiction over its soil, against its will, might be "proper." Nor is this instance of an imperfect right in the general government without an analogy in the constitution—the power of exercising jurisdiction over forts, magazines, arsenals and dock-yards, depending upon previous purchase by the United States, *with the consent of the state*.

Admitting then, that the constitution confers only a *right of way*, and that the rights of soil and jurisdiction remain exclusively with the states respectively, yet there seems no sound objection to the improvement of roads *with their assent*. For if, by the tenth amendment this right is reserved to the states, it is within the power of the state to grant it, unless the United States are incapable of receiving such a privilege. But by various acts of the government, whose validity has never been questioned, it appears to possess not merely the power of receiving so unimportant a privilege as this, but of acquiring territory *ad libitum*. The acquisition of Louisiana, one of the happiest events of our political history, evinces the power of this government to acquire territory by treaty from foreign nations. The cession of the north west territory by Virginia, shows that, under the strict principles of the old confederation, which had so few features of nationality, the United States were deemed to have the power of acquiring lands, even from the states of the confederacy. The Georgia cession, completed about the year 1802, is finally decisive of the practical and undisputed exercise of a power in the general government to receive a cession of territory from

any member of the confederacy, under the present constitution. But if the general government have the power to aggrandize itself by the acquisition of territories, can the inferior privilege be denied them of receiving from a state the right of making or repairing the roads over which they are compelled to transport the mails through the Union?

Moreover, it seems to be admitted that the United States have, since the Georgia cession, a constitutional right to make and repair roads in the ceded territory. If then, by the transfer of the territory, Georgia could give, and the United States receive, the right to make roads within it, it is difficult to imagine a substantial objection to the validity of a grant to make a road, without a transfer of the territory.

2. Your committee conceive that the general government has the power of making and opening military roads *with the assent of the respective states*, with a view to the common defence of the nation.

The power of opening a road during actual hostilities, for the purpose of transporting military stores, and marching troops to points that are menaced, has never yet been called in question. In truth, without such a power the United States must fall a prey to foreign enemies; so that it seems fair to assume, that, whenever a military road becomes necessary for the national safety, it is in the power of the general government to construct it. Of this necessity, that government can be the only judge; and if the power of *judging* of this necessity be in them, the constitutional power to act must of course be conceded. In the exercise of this discretion, a very general sentiment at present prevails in favor of preparations during peace for a state of war. And if the power of *judging* when it is necessary, be admitted, the constitutional right to do it at any time must be allowed.

It is not proposed to enter upon the delicate inquiry whether this right can be exercised by the general government *without* the assent of the respective states through whose territory the road is constructed, in time of peace, with a view to military operations in any future wars. Leaving this question for discussion whenever the occasion may call it forth, your committee are content in this report, to assert the right to exercise this "necessary" power *with the assent of the states*.

Having taken this cursory view of the principles of the constitution in relation to the construction of roads by the United States, it may not be unimportant to examine what has been the practice under its provisions. The laws of the Union and the acts of the executive branch of the government, though they cannot be relied on to support acknowledged error, may safely be referred to in aid of our inquiries as to the proper construction of the constitution.

Among the most conspicuous of the analogies afforded by the acts of congress is the establishment of the Cumberland road already mentioned. This road has been constructed under the authority of the United States, with their funds, and through several of the states, with their assent.—It has received the sanction of several distinct representative bodies, and of two presidents of the United States. In short, if precedent alone were wanting, this act would furnish it.

Passing over the road from Nashville to Natchez, and the road from Reynoldsburg to a part of the late territory of Mississippi, directed by an act of

the last session of congress, both of which afford precedents no less strong, we come to the military road lately directed by the executive authority, to be constructed from Plattsburg, or its vicinity, to Sackett's Harbor. This road is not to be constructed with any express assent of the state through which it passes, nor by the authority of congress, but the president has deemed it necessary as a military road, and has ordered it to be made accordingly; a measure, the advantages of which are understood to be so palpable, as to have given great satisfaction in the country where the road is made. Hence, however, the question results whether the exercise of this power by the president is not an express admission of the right of the general government to open military roads even in time of profound peace, when they are believed to be necessary; and if the power of judging of this necessity is possessed by the executive, it cannot, it is presumed, be denied to the yet more important organ of the nation's will—the legislature of the Union.

3. As to canals.—It will not be necessary to recapitulate the arguments already used on the subject of roads, some of which will be found strongly applicable to canals. It may suffice to add, that the power to make canals and roads for the promotion and safety of internal commerce between the several states, may justly be considered as not less incidental to the regulation of internal commerce, than many of the powers exercised under the authority to regulate foreign commerce are accessory to that power. The embarrassments of the nation during war, from the want of good roads and canals, both in relation to trade and the transportation of cannon and military stores, have been too recently and sensibly felt to be forgotten. Vested with the power of making war, the constitution could never have intended the general government should make it under such disadvantages.—If there be any part of that instrument which demands a liberal construction, it is that which confers on the federal government the power of making war, and the duty of protecting the Union from foreign hostility. With a navy yet insufficient to ensure the safe conveyance, coastwise, of troops, of implements of war and military stores, and destined to contend with an enemy whose command of the sea enables them to assail, in rapid succession, the most distant positions, we have been compelled, from the want of an internal water communication, to encounter the most wasteful extravagance in the transportation of the means of defence. From the same cause, the internal trade between the states has been, during war, trammelled and embarrassed, and even cut off; and the productions of one portion of the community have rotted on their hands, while distant parts of the United States were suffering for the want of them.

It is true that the wants of the Union cannot confer power under the constitution; but they may justly be touched upon as affording aid in its construction. They must have been clearly foreseen, and must have been supposed to be provided for. If the power to carry on war implies "the necessary and proper" means of conducting it to a safe and proper issue, and if, without the use of these means, the burdens and the privations and the miseries of war are to be indefinitely increased and its issue (always doubtful) rendered yet more precarious and unprosperous, are we not justified in presuming these means to have been contemplated as being vested in the general government?

are we not justified in asserting this "necessary" power—the power of constructing roads and canals at least *with the assent of the states*?

If your committee have not erred in attributing to congress a constitutional power to make roads and canals either as an original or accessory power, it would seem that no doubt could remain of the right of applying our revenues to those purposes. If, indeed, the power was denied to the general government of constructing roads and canals themselves, a question might still arise, whether it had not power to appropriate part of the revenue "to aid in the construction of roads and canals by the states."

There is perhaps no part of the constitution more unlimited than that which relates to the application of the revenues which are to be raised under its authority. The power is given "to lay and collect taxes, to pay the debts and provide for the common defence and general welfare of the United States;" and though it be readily admitted, that, as this clause is only intended to designate the objects for which revenue is to be raised, it cannot be construed to extend the specified powers of congress, yet it would be difficult to reconcile either the generality of the expression, or the course of administration under it, with the idea that congress has not a discretionary power over its expenditures, limited by their application "to the common defence and general welfare."

A few of the very great variety of instances, in which the revenues of the United States have been applied to objects not falling within the specified powers of congress, or those which may be regarded as incidental to them, will best illustrate this remark.

Thus, it can scarcely be conceived, that, if construed with rigor, the constitution has conferred the power to purchase a library, either specifically, or as an "accessory" incident to legislation. Still less, perhaps, can the pious services of a chaplain, or the purchase of expensive paintings, for ornamenting the hall of session, or various other expenditures of similar character, be considered as "necessary" incidents to the power of making laws. Yet, to these and to similar objects, have the funds of the United States been freely applied, at every successive session of congress, without a question as to the constitutionality of the application.

It would be yet more difficult to reduce, under the specific or necessary powers of congress, the liberal donation to the wretched sufferers of Venezuela, or the employment of our revenue in the useful and interesting enterprise to the Pacific.

The bounties allowed for the encouragement of the fisheries, form another expenditure that does not fall under any of the powers granted by the constitution. Nor could it fairly be considered as inferable from the powers granted upon the strict principles sometimes contended for. The same objections would apply to actual bounties paid to manufacturers for their encouragement, and to the indirect encouragement given to them, and which operates as a bounty to one class of the community, and as a *tax* to the rest. These, and a variety of other appropriations can only be justified upon the principle that the general clause in question has vested in congress a discretionary power to use for the "general welfare" the funds which they are authorised to raise.

Nor is there any danger that such a power will be abused, while the vigor of the representative

power implies a grant of whatever is necessary to its enjoyment.

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Among the most conspicuous of the analogies afforded by the acts of congress is the establishment of the Cumberland road already mentioned. This road has been constructed under the authority of the United States, with their funds, and through several of the states, with their assent. It has received the sanction of several distinct representative bodies, and of two presidents of the United States. In short, if precedent alone were wanting, this act would furnish it.

Passing over the road from Nashville to Natchez, and the road from Reynoldsborg to a part of the late territory of Mississippi, directed by an act of

the last session of congress, both of which afford precedents no less strong, we come to the military road lately directed by the executive authority, to be constructed from Plattsburg, or its vicinity, to Sackett's Harbor. This road is not to be constructed with any express assent of the state through which it passes, nor by the authority of congress, but the president has deemed it necessary as a military road, and has ordered it to be made accordingly; a measure, the advantages of which are understood to be so palpable, as to have given great satisfaction in the country where the road is made. Hence, however, the question results whether the exercise of this power by the president is not an express admission of the right of the general government to open military roads even in time of profound peace, when they are believed to be necessary; and if the power of judging of this necessity is possessed by the executive, it cannot, it is presumed, be denied to the yet more important organ of the nation's will—the legislature of the Union.

3. As to canals—It will not be necessary to recapitulate the arguments already used on the subject of roads, some of which will be found strongly applicable to canals. It may suffice to add, that the power to make canals and roads for the promotion and safety of internal commerce between the several states, may justly be considered as not less incidental to the regulation of internal commerce, than many of the powers exercised under the authority to regulate foreign commerce are necessary to that power. The embarrassments of the nation during war, from the want of good roads and canals, both in relation to trade and the transportation of cannon and military stores, have been too recently and sensibly felt to be forgotten. Vested with the power of making war, the constitution could never have intended the general government should make it under such disadvantages.—If there be any part of that instrument which demands a liberal construction, it is that which confers on the federal government the power of making war, and the duty of protecting the Union from foreign hostility. With a navy yet insufficient to ensure the safe conveyance, coastwise, of troops, of implements of war and military stores, and destined to contend with an enemy whose command of the sea enables them to assail, in rapid succession, the most distant positions, we have been compelled, from the want of an internal water communication, to encounter the most wasteful extravagance in the transportation of the means of defence. From the same cause, the internal trade between the states has been, during war, trammelled and embarrassed, and even cut off; and the productions of one portion of the community have rotted on their hands, while distant parts of the United States were suffering for the want of them.

It is true that the wants of the Union cannot confer power under the constitution; but they may justly be touched upon as affording aid in its construction. They must have been clearly foreseen, and must have been supposed to be provided for. If the power to carry on war implies "the necessary and proper" means of conducting it to a safe and proper issue, and if, without the use of these means, the burdens and the privations and the miseries of war are to be indefinitely increased and its issue (always doubtful) rendered yet more precarious and unprosperous, are we not justified in presuming these means to have been contemplated as being vested in the general government?

are we not justified in asserting this "necessary" power—the power of constructing roads and canals at least *with the assent of the states*?

If your committee have not erred in attributing to congress a constitutional power to make roads and canals either as an original or accessory power, it would seem that no doubt could remain of the right of applying our revenues to those purposes. If, indeed, the power was denied to the general government of constructing roads and canals themselves, a question might still arise, whether it had not power to appropriate part of the revenue "to aid in the construction of roads and canals by the states."

There is perhaps no part of the constitution more unlimited than that which relates to the application of the revenues which are to be raised under its authority. The power is given "to lay and collect taxes, to pay the debts and provide for the common defence and general welfare of the United States;" and though it be readily admitted, that, as this clause is only intended to designate the objects for which revenue is to be raised, it cannot be construed to extend the specified powers of congress, yet it would be difficult to reconcile either the generality of the expression, or the course of administration under it, with the idea that congress has not a discretionary power over its expenditures, limited by their application "to the common defence and general welfare."

A few of the very great variety of instances, in which the revenues of the United States have been applied to objects not falling within the specified powers of congress, or those which may be regarded as incidental to them, will best illustrate this remark.

Thus, it can scarcely be conceived, that, if construed with rigor, the constitution has conferred the power to purchase a library, either specifically, or as an "accessory" incident to legislation. Still less, perhaps, can the pious services of a chaplain, or the purchase of expensive paintings, for ornamenting the hall of session, or various other expenditures of similar character, be considered as "necessary" incidents to the power of making laws. Yet, to these and to similar objects, have the funds of the United States been freely applied, at every successive session of congress, without a question as to the constitutionality of the application.

It would be yet more difficult to reduce, under the specific or necessary powers of congress, the liberal donation to the wretched sufferers of Venezuela, or the employment of our revenue in the useful and interesting enterprise to the Pacific.

The bounties allowed for the encouragement of the fisheries, form another expenditure that does not fall under any of the powers granted by the constitution. Nor could it fairly be considered as inferable from the powers granted upon the strict principles sometimes contended for. The same objections would apply to actual bounties paid to manufacturers for their encouragement, and to the indirect encouragement given to them, and which operates as a bounty to one class of the community, and as a *tax* to the rest. These, and a variety of other appropriations can only be justified upon the principle that the general clause in question has vested in congress a discretionary power to use for the "general welfare" the funds which they are authorised to raise.

Nor is there any danger that such a power will be abused, while the vigor of the representative

responsibility remains unimpaired. It is on this principle that the framers of the constitution mainly relied for the protection of the public purse. It was a safe reliance. It was manifest that there was no other subject on which representative responsibility would be so great. On the other hand, while this principle was calculated to prevent abuses in the appropriations of public money, it was equally necessary to give an extensive discretion to the legislative body in the disposition of the revenues; since no human foresight could discern, or human industry enumerate, the infinite variety of purposes, to which the public money might advantageously and legitimately be applied. The attempt would have been to legislate, not to frame a constitution; to foresee and provide specifically for the wants of future generations, not to frame a rule of conduct for the legislative body. Hence proceeds the use of this general phrase in relation to the purposes to which the revenues may be applied; whilst the framers of the instrument, in the clause which concludes the enumeration of powers, scrupulously avoid the use of so comprehensive an expression, and confine themselves to the grant of such incidental power as might be both "necessary and proper" to the exercise of the specified powers.

Nor is it conceived, that this construction of the constitution is calculated to give that unlimited extent to the powers of the federal government, which by some seems to have been apprehended. There is a distinction between the power to appropriate money for a purpose, and the power to do the act for which it is appropriated: and if so, the authority to appropriate money "for the general welfare" does not by fair construction extend the specified or incidental powers of the government. Thus, in the case under consideration, if the power to make a road or dig a canal is not given, the power of appropriating money cannot confer it, however generally it may be expressed. If there were no other limitation, the rights of the respective states, over their soil and territory, would operate as a restriction.

Whilst this appears to be as safe as well as fair construction of the constitution, it is also that which has been practically given to it since the origin of the government. Of this, the instances already mentioned furnish some evidence, and it is apprehended that, upon the rigid principles of construction, asserted both in regard to the enumeration of powers and the appropriation of revenue, the acts of the federal government, including all its branches, will exhibit a continued series of violations of the constitution, from the first session after its adoption, to the present day.

It would behove us to turn over the statute book and deliberately examine, how, under those principles, the laws giving bounties to fishermen, encouraging manufactures, establishing trading houses with the Indians, erecting and constructing beacons, piers and light houses, purchasing libraries, adorning with paintings the chamber of congress, giving charity to suffering foreigners, constructing roads through the different states, and establishing banks, can be reconciled to the provisions of the constitution. If, as has been remarked by high authority,* the constitutional question can be "precluded by repeated recognitions under varied circumstances, of the validity

ty" of the exercise of power by congress, "in acts of the legislative, executive and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation," the advocates for these powers in the general government can find little difficulty in supporting the pretension.

From all these considerations, your committee submit it as their opinion, that congress has the power to construct roads and canals through the several states, with the assent of the states, on such terms as may be agreed on, leaving the jurisdictional rights in the states respectively. To these, and other national improvements, which may be found to be within the constitutional power of the government, they think it advisable that the interest of the government in the bank of the United States should be appropriated. They forbear to give greater length to this report, by enlarging on the important advantages to be derived from these national improvements. They also forbear, at this time, to offer the detail of any plan upon the subject, presuming it most proper to obtain the sense of the house of representatives, in the first instance, on the general proposition. For this purpose they respectfully submit the following resolution:

"Resolved, That in order to promote and give security to the internal commerce among the several states: to facilitate the safe and expeditious transportation of the mails, by the improvement of post roads, with the assent of the respective states; to render more easy and less expensive the means and provisions necessary for the common defence, by the construction of military roads, with the like assent of the respective states; and for such other internal improvements as may be within the constitutional powers of the general government, it is expedient that the sum to be paid to the United States, by the 20th section of the act to incorporate the subscribers to the bank of the United States, and the dividends which shall arise from their shares in its capital stock, be constituted as a fund for internal improvement."

NATIONAL LEGISLATURE.

FIRST SESSION—FIFTEENTH CONGRESS.

SENATE.

Florida Claims.

Dec. 19.—Mr. Williams, of Mississippi, called up the memorial of the general assembly of the state of Louisiana, relative to the land claims of Florida, presented at the last session, which was referred, on his motion, to the committee of public lands.

The motions made yesterday, were severally considered and agreed to, which, with individual claims, occupied the senate the remainder of the day; and they adjourned to Monday.

Virginia Military Land, &c.

Dec. 22.—Mr. Morrow, from the committee on the public lands, reported a bill to extend the time of locating Virginia military land warrants, and returning surveys thereon to the general land-office, and for designating the western boundary line of the Virginia military tract; which was read, and passed to the second reading.

[The bill was reported in blank, as to the period of extension.]

* The message of the President, in 1814, returning the bank bill of that year.

Quality of Soldiers' Land.

Mr. Morrill gave notice, that he should to-morrow offer a joint resolution, directing the commissioner of the general land-office to furnish each soldier, who may receive a patent, with a description of the quality of his lot as minuted in the field notes of the surveyor.

Amendment to the Constitution.

Mr. Dickerson gave notice, that he should to-morrow introduce a joint resolution, proposing an amendment to the constitution of the United States, as it respects the election of representatives in congress, and the appointment of electors of president and vice-president of the United States.

Three per cent. due Indiana.

Mr. Noble laid on the table for consideration, the following motion:

Resolved, That the committee on finance be instructed to inquire what legislative provisions are necessary, if any, to authorize the payment of the three per cent. now due, or that which may hereafter be due, to the state of Indiana, arising from the net proceeds of the sales of the United States' lands lying within the said state, in pursuance of an act of congress, of the 19th April, 1816.

The senate then took up executive business, and, according to custom, the doors were closed.

Duties on Salt, &c. &c.

Dec. 23.—After the transaction of some business of a minor consideration,

Mr. Smith offered, for consideration, a resolution directing the secretary of the treasury to lay before the senate a statement of the amount of duties on imported salt, during the years 1815, 1816, and 1817, as far as the returns to the treasury will permit. Also, a statement, for the same years, of the amount of the allowances and drawbacks paid to vessels employed in the fisheries, and on pickled fish exported.

Titles to public Lands in Tennessee.

Mr. Campbell, according to notice given, introduced a bill to authorize the state of Tennessee to issue grants and perfect titles on certain entries and locations of lands. [Those made pursuant to the laws of North Carolina, before the 23th February, 1790, and recognized by the cession act of that state of 1789, and lying within certain limits.] The bill was passed to a second reading.

The Mint Establishment.

Mr. Campbell, from the committee on finance, to whom was referred the bill from the other house, to continue the mint establishment at Philadelphia, reported the bill with an amendment, (limiting the operation of the act to five years from the 4th of March next.)

The joint resolutions, announced yesterday by Mr. Morrill and Mr. Dickerson, were this day respectively introduced, and each passed to a second reading.

The bill giving further time for the location of Virginia military warrants, was read the second time; and

The senate adjourned.

Dec. 24.—The resolution of the house of representatives to adjourn to Monday, was concurred in.

Duty on Salt.

The motion of yesterday for calling on the secretary of the treasury for information respecting the duty on salt, was concurred in.

Amendment of the Constitution.

The resolution proposed by Mr. Dickerson, for amending the constitution, so as to provide for the election of representatives and electors in the several states, by districts, was read a second time, and committed to Messrs. Dickerson, King, Daggett, Macon and Stokes, to consider and report thereon.

The Mint.

The bill concerning the mint establishment was resumed, amended, and ordered to be engrossed for a third reading.

And the senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.*Rule for admitting Foreigners.*

Dec. 19.—On motion of Mr. Harrison, of Ohio, the following rule was adopted:

The speaker shall have power to admit persons to seats in the hall, during the sitting of the house, who belong to such legislature of foreign governments as are in amity with the United States.

New Post Roads.

On motion of Mr. Moore, the committee on the post office were instructed to inquire as to establishing a post route from Youngstown, Trumbull county, Ohio, to New Bedford, Mercer county, Pennsylvania.

On motion of Mr. Pindall, of Virginia, the committee on post roads were instructed to inquire into the expediency of establishing a post route from Tyler court house to Sistersville, in Virginia; and

On motion of Mr. New the same committee were instructed to make like inquiry in regard to a post route from Hopkinsville, in Kentucky, by William's and Boyd's Landing, to Long creek, in Caldwell county.

Revenue of the District of Columbia.

On motion of Mr. Herbert, of Maryland, it was

Resolved, That the secretary of the treasury be directed to lay before the house a statement of the amount of receipts, into the treasury, from imports, internal taxes, and other sources of revenue, within the District of Columbia, specifying the sum received in each year since the assumption of the jurisdiction by congress, in 1801; also a statement of the amount of registered tonnage, employed in the carriage of goods, wares and merchandise, in the foreign and coasting trade of the District.

Canadian Volunteers, Extra Pay, &c.

On motion of Mr. Merrill, of Vermont, it was

Resolved, That the secretary of war be instructed to furnish a statement showing the names of the several persons to whom land warrants have issued, and extra pay been allowed, subsequent to the 3d March, 1817, under the act granting bounty in land, and extra pay to certain Canadian Volunteers, and the act supplementary thereto; together with the names of the agents or attorneys to whom said land war-

rants were delivered, and the money paid, particularly noting such, if any, as were or are annexed with the public offices—and also to state whether any, and if any, what information he may have received relative to impositions practiced on claimants, by persons pretending to be agents authorised by the government.

Custom Houses.

On motion of Mr. Silsbee, of Massachusetts, it was

Resolved, That the committee of commerce and manufactures be instructed to inquire into the expediency of so amending the law making appropriations for the establishment of custom houses, which are now confined to principal districts, as to authorize the application of such appropriations as have already been or may hereafter be made to any district within the United States, when the secretary of the treasury shall think such establishments will best promote the public interest.

Virginia Revolutionary Bounty Land.

On motion of Mr. Campbell, of Ohio, it was

Resolved, That a committee be appointed to inquire into the expediency of allowing further time for the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty land within the tract reserved by the state of Virginia, between the Little Miami and Scioto rivers, to complete their locations; with leave to report by bill or otherwise.

Commutation Bill.

The house having according to the order of the day, again resolved itself into a committee on the bill for the commutation of soldiers' bounty lands, some further discussions on amendments to it took place, in which Messrs. Forsyth, Poin-dexter, Clay and Robertson, of Ky. bore part: when

The committee rose, and reported the amendments to the bill; which were ordered to lie on the table, and to be printed for the more easily understanding thereof by the members, before called upon to give a final vote on them.

Surviving Revolutionary Officers and Soldiers.

The house having resolved itself into a committee of the whole on the bill concerning the surviving soldiers of the revolutionary war:

Mr. Linn, of N. J. moved to strike out the word "war" in the bill, which makes the provisions of the bill applicable to all persons who served for any time in the revolutionary war, and to insert in lieu thereof, "army of the United States," so as to confine the bill to the surviving officers and soldiers of the revolutionary army. As the bill at present stood, Mr. L. said, nearly every person in the United States, of sufficient age, and in a state of indigence, would be embraced in it; for few of them but had been in some grade, and at some time or other in the service.

At the suggestion of Mr. Bloomfield of N. J. Mr. Linn withdrew his motion for the present when Mr. B. delivered his impressions as to the operations of the bill, should it pass. He drew from calculations, derived in part from known data, that the probable amount of pensions which would be claimed by soldiers and officers, provided full pay was allowed them, would amount to \$34,376 per annum, which amount will be

daily decreasing; but the bill as it now stands, provides for only half pay. He hoped the house would amend the bill so as the amount of pension should be full pay, that is, 17 dollars per month for officers, and 8 dollars for soldiers.

Mr. Tucker, of Va. proposed an amendment to this amendment, so as to make the pension to officers, 20 and soldiers 8, which was agreed to without objection.

Mr. Holmes made some objection to the phraseology of the bill, after which an amendment was proposed between Mr. Colston of Va. and Mr. Orr of Mass. to provide that the officers should be entitled to 20, and the soldiers 17 dollars per month. These gentlemen objected to the qualification of indigence, required by the bill as it now stands, to the benefit of its provisions, as it was an act of justice and not of beneficence. He hoped a liberal spirit would prevail, and that a pension would be given to all of the surviving revolutionary soldiers, the small remnant of their lives.

Mr. Harrison, of Ohio, objected to the amendment proposed, on the ground that it made no distinction between the one who had been called out for an hour or a day, and he who had been worn down in the service, and proposed to limit the bill to such as should have been in service six months.

Mr. Southard objected to the imperative shall receive pensions, as it was making the bill compulsory. He adverted to the wealth some possessed, and intimated that some was acquired by speculating upon the soldier.

Mr. Smith of Md. observed that in drafting the bill, the committee had conformed to the words of the message, and he believed it was their desire to confine it to the survivors of the army of the revolution, with only one exception, the committee who drafted the bill were composed of officers of the revolution and would have felt a delicacy in introducing a bill on the very liberal principles advocated by some of the gentlemen. Mr. Bloomfield opposed the amendment, as it prejudiced the fate of the bill, the provisions of which he thought were already sufficiently comprehensive. He also opposed the proposed postponement and hoped to see the bill pass the house before the holidays.

No question was taken on the amendment, before the committee agreed to rise, report progress and obtained leave to sit again.

The house adjourned to Monday.

Monday, Dec. 23.—After the transaction of business of individual claims, was taken up the subject of

Expatriation.

Mr. Robertson, of Louisiana, from the select committee to whom the subject had been referred, reported a bill providing the manner in which citizenship may be relinquished.

[The bill proposes to provide that when a citizen, by application in writing to the district court of any district of the United States, in open court, and there to be recorded, shall declare that he relinquishes the character of a citizen, and means to depart out of the United States, he shall be thenceforth considered to have exercised the right of expatriation, and as being no longer a citizen of the United States; that such person shall be held as an alien forever after, and shall not resume the rights of citizenship without go-

ing through the same process of naturalization as foreigners.]

The bill was twice read and committed.

Georgia Militia Claims.

Mr. Cobb, of Georgia, from the select committee to whom the subject was referred, reported a bill for the payment of certain militia claims (of 1793 and 1794) of the state of Georgia; which was twice read and committed.

American Manufactures.

Mr. Johnson, of Kentucky, offered the following resolution:

Resolved, That the committee of commerce and manufactures be instructed to inquire into the expediency of providing by law for clothing the army and navy of the United States exclusively in American manufactures.

On offering this motion Mr. J. said, after some introductory observations, that the only objection which appeared to him to have any force was that by destroying the competition between domestic and foreign articles, the government would be obliged to pay higher for the same articles than they now do; but it would be seen by gentlemen that such augmentation could only be momentary; the competition of the manufacturers among themselves would be so great, he had no doubt, as to give the article to the government at the lowest possible price. The practice of the war department, already, was to give a preference to the domestic fabric; but that preference was given with reference to the cost of the article—a system which produced not only uncertainty, because of the fluctuating state of the foreign market, but uncertainty, consequently, to the calculations of the manufacturer. In relation to the navy, he did not know that his project was practicable; if it was, it would be necessary perhaps to give a discretionary power on this head to the commanders, when on foreign stations.—But he hoped no objection would be made to an inquiry on the subject, and that the committee would favor the house with an early report.

The motion was agreed to.

Price of Public Lands.

On motion of Mr. McCoy of Virginia, it was

Resolved, That the committee on the public lands be instructed to inquire into the expediency of increasing the price at which the public lands shall be sold hereafter.

The resolution was agreed to by a majority of twenty or thirty votes.

Establishment of Navy Hospitals.

On motion of Mr. Bassett, of Va.

Resolved, That the secretary of the navy be required to communicate to this house the measures taken, if any, to give effect to the act passed on the 26th February, 1811, for the establishment of navy hospitals; if nothing has been done, to shew the cause why the statute has been neglected, and whether it be necessary to repeal the same.

Marshal of the District of New-York.

On motion of Mr. Porter, of N. Y.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of increasing, by law, the compensation of the marshal of the northern district of the state of New-York.

Army and Fortifications.

The following message was received from the

president of the United States, by Mr. J. J. Monroe, his secretary:

To the House of Representatives of the United States,

In compliance with a resolution of the house of representatives, of the 11th of this month, requesting to be informed of the present strength of the army of the United States, its distribution among the several military posts, which it is designed to protect, and its competency to preserve and defend the fortification amongst which it is distributed, and to aid in constructing such other military works, if any, as it may be deemed proper to erect, for the more effectual security of the United States, and of the territories thereof; I now transmit a report from the secretary of war, which contains the information desired.

JAMES MONROE.

December 22, 1817.

In compliance with the resolution of the house of representatives requesting the president of the United States "to cause to be laid before the house of representatives a return of the present strength of the army of the United States, with the distribution thereof among the several military posts which it is designed to protect, together with any information which he may be able to afford respecting the competency of such force to preserve and defend the fortifications, amongst which it is distributed, and to aid in constructing, and to defend such other military works, if any, as it may be in the contemplation of the government to erect, for the more effectual security of the United States, and of the several territories thereof;" the secretary of war has the honor to make a return of the present strength of the army of the United States, with the distribution thereof among the several military posts.

The military establishment as it now stands, is sufficiently extensive to keep the fortifications in a state of preservation, but is wholly inadequate to defend them against a regular attack by a force of sufficient strength or skill. To garrison the forts on the maritime frontier alone would require, according to the best information and estimates of this department, more than thrice our present number, to repel the assault of such a force. The portion of the army stationed in the neighborhood of fortifications now erecting, are employed to aid in constructing them; but only an inconsiderable number has yet been so engaged, owing to its dispersed situation. Though not immediately comprehended in the resolution of the house, it is but justice to the army to observe, that it has been employed to a considerable extent, the last year in the construction of roads, arsenals and other public works connected with the defence of the country.

The existing fortifications are thought to be wholly insufficient in the event of a future war. As the declaration of war is the act of the whole community, justice, honor and humanity require that every portion of the country should, as far as possible, be protected against its ravages. This is among the most sacred duties of the government; and impressed with its importance, a board of the most skilful officers in our service has been constituted, to examine the whole line of our frontier, and to determine on the position and extent of works that may be necessary to the defence of the country. This great work is not

yet completed; and, in its present state, it is impossible to speak with any precision as to the extent to which our fortifications ought to be carried. The soldiers will be able to render important aid in constructing the works that may be determined on; but "from the composition of the army, they can only come in aid of regular and professed workmen."

J. C. CALHOUN."

[The detailed and particular statement accompanying the report from the adjutant general's office, states the actual number of the present peace establishment at 8,221, including officers.]

The report was ordered to lie on the table.

New Post Roads.

On motion of Mr. Quarles, of Ky. the committee on the post office and post roads was instructed to inquire into the expediency of establishing a post road from Columbia, in Kentucky, to the Hazle patch, and from Monticello to Columbia.

On motion of Mr. Hale, of N. H. the same committee was instructed to inquire into the expediency of establishing a post road from Walpole, in New-Hampshire, through Alstead to Ackworth.

United States' Court for the district of New-York.

On motion of Mr. Bassett, it was

Resolved, That the committee on the judiciary be instructed to inquire whether the monies deposited, from time to time, in the district court of the United States for the district of New-York, have been faithfully applied, and that said committee be invested with power to send for persons and papers.

Surviving Revolutionary Soldiers.

The remainder of this day's sitting was spent in committee of the whole on the bill concerning the surviving officers and soldiers of the revolution. Much debate took place on amendments proposed to the bill, but involving also its principle.

The principal question before the committee of the whole was on the amendment proposed by general Harrison; which was to strike out the two first sections of the present bill, and insert in lieu thereof other sections, providing that every revolutionary officer and soldier, who formed a part of the military establishment of the United States at the close of the war, or who previously thereto served not less than three years and received an honorable discharge, shall receive a pension, if an officer of half pay; if a private of five dollars per month, but no officer's pension to exceed the half pay of a lieutenant colonel, &c.

The question on this motion was not taken before the committee rose, reported progress and obtained leave to sit again.

And the house adjourned.

Tuesday, Dec. 23.—Mr. Robertson, from the same committee, to whom was referred a letter from the secretary of the treasury on the subject of changing the laws, regulating surveys in regard to the islands of the Tennessee and other rivers, reported against the expediency of altering the laws in this particular; which was read and concurred in.

Justices or Conservators.

On motion of Mr. Holmes, of Massachusetts, it was

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for appointing justices or con-

servators of the peace, or other magistrates, authorized to enforce the execution of the laws of the United States.

Franking Vaccine Matter.

On motion of Mr. Floyd, of Virginia, a committee was appointed to inquire into the expediency of extending the privileges of franking to one person in each of the states and territories of the United States, who shall be appointed by the governor or legislature thereof, for the purpose of distributing the vaccine matter, within such state or territory, and that they have leave to report by bill or otherwise.

The Case of Mr. Meade.

Mr. Trimble, of Ky. offered for consideration the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this house any information he may be able to communicate relative to the imprisonment and detention in confinement of Richard Cavles Meade, a citizen of the United States.

Mr. Trimble said, that, having offered the resolution, it might be expected that he would give some explanation of the case to which it alludes. He had a right to presume that every member of the house had heard of the confinement of Mr. Meade. More than three years ago that gentleman had been incarcerated in a Spanish dungeon, where he had ever since remained. It was within his (Mr. Trimble's) recollection, that many persons had expected that the last congress would have caused an inquiry to be made into the subject; but, since that period, the case had assumed a new character, of most extraordinary complexion. It was well known, he said, that Mr. Meade is a citizen of the United States, and, he believed, was, at one time, an accredited consul, resident in some part of the Spanish dominions. Either character ought to have protected him from violence and outrage. But, unfortunately for him, they did not. The causes which produced his confinement were unknown to Mr. Trimble: they were probably buried in the vaults of the inquisition. That, however, was of little consequence, if the facts which he was about to state were true; and that they are true was evinced, he said, by a document which he held in his hand, and which, he said, struck the mind with as much force as if it was marked with the characters of official certainty. I am prepared, said he, to admit, that if a citizen of the United States shall violate the penal or criminal code of any other country, he must submit to the punishment which may be inflicted on him; but such is not the case of Mr. Meade. It was not contended, he said, that the person in question had violated the letter or spirit of any part of the penal or criminal code of Spain—and, on the contrary, the document which he held in his hand afforded the highest evidence that there was no cause of complaint against him. Upon some urgent and vigorous remonstrances being made on this subject by our minister, Mr. Erving, a public notorious royal order was issued. Mark me, sir, said he—a public notorious royal order, announcing to Spain, to America, and the whole world, that there was no cause for the detention of Mr. Meade, and directing his immediate release. How the aching heart of Mr. Meade must have throbbed and

swelled, cheered with the prospect of leaving in a few hours his loathsome, pestilential dungeon, to breathe once more the free and wholesome air! How it must have sunk and died within him, when the doors of his "prison house" were unbarred by a meagre minion, who had come skulking through the vaults of those abodes of death, with another secret order. Mark me again, sir—another secret order, issued at the same time, under the same royal signature, commanding his *keeper* to hold the prisoner at his peril. Yes, sir, one order, public and notorious for release, and another secret order for confinement, of the same date, and under the same royal signature. If these facts be true, the case stands without a parallel in ancient or modern times. Even the case of Czerney George has no similitude: he was a monster, executed by the Turk, because he had, in cold blood, plunged his sabre through the heart of his own father. Whereas Mr. Meade is acknowledged to be an innocent victim, suffering under royal displeasure. I will not attempt, said Mr. T. to paint the horrors of a Spanish dungeon, or the sickenings of hope at protracted confinement. It is not my wish to excite public feeling, and I utterly disclaim all intention of connecting this subject with other questions, now under discussion, or which may fall under discussion, between this government and Spain. Mr. T. averred also that he had entire confidence in the late and present executive heads of the government, and had no doubt that every thing which could be done, had been done, in behalf of Mr. Meade. But he held it the duty of this house to inquire into this (he would again call it) extraordinary case, and, if the facts and circumstances shall require it, make such expression of its opinion as will add weight and force to future executive exertions. If the case were as well-founded rumor told, he for one was ready to volunteer his arm in defence of Mr. Meade, and breast the storm, unfearing consequences. For, said he, while I have the honor of a seat in this house, no lawless despot shall lay an angry finger on a fellow-citizen of mine, without the hazard of bringing that finger to the block. He was one of those, he said, who were willing to believe that we ought not at this time uselessly to embroil ourselves with any foreign power; and he was thoroughly satisfied that it is our best and wisest policy to husband our resources, our man, and our means, to meet the coming conflict with the only nation that dare strike us upon the land or on the water—the only nation that can send us a Hannibal, or whom we shall revisit with a Scipio—that nation who has already sacked our infant Rome, and whose proud Carthage we shall one day humble in the dust, and sweep with the besom of retributive desolation. But, said he, there are no present circumstances, or looked-for events, that ought to incline us to harden our ears, that we may not hear the calls of a suffering citizen, imploring our protection. Solon, I think it was, upon being asked, "What form of government is best?" replied, "That form in which the smallest insult offered to the meanest citizen is considered an injury to the whole community." Could a better maxim be adopted in a government like ours? Is there any thing which so exactly accords with the principles of our constitution? This, it is true, is but a single instance of individual oppression; but the out-

rage done to the personal rights of the victim; the infraction of national law, and the affront, the insult offered to our government, is exactly the same as if half a million had been incarcerated; for he held that our system of government is the true poetic chain, which links us together as a band of brothers—and

"If from that chain a single link you strike.

"Ten or ten thousand, break the chain alike."

We are bound, Sir, said Mr. T. under our constitution, to protect the life, liberty, and property of every citizen of our country. But where may he claim that protection? Or rather, where shall his right to claim it cease? Is it confined to the limits of the union? or does it not extend to the remotest region of the globe which is visited by our people? May the citizen claim it against the savages of the western wilds, and is he not entitled to it, among the still more lawless chieftains of a decaying, perishing, and ruined monarchy? It is not in this land of liberty that the citizen need call for protection; here it comes, as it were, unbidden, to encompass him about; but, when oppression falls upon him in a foreign land among strangers, friendless and unprotected, his supplicating voice should not be heard in vain; for every thing which is obligatory in the social compact, or honorable in humanity, calls for and commands your protect on, as if he stood upon the sacred soil that gave him birth. Who of us, said Mr. T. in the condition of Mr. Meade, would not ask this inquiry of this house? Which of us will refuse it? For the honor of my country I hope there is not one.

The motion of Mr. T. was agreed to without opposition or further debate.

New Post Road in Virginia.

On motion of Mr. Lewis, the committee on the post office were instructed to inquire into the expediency of establishing a post road from Halifax court house, in Virginia, to Lynchburg.

Increase of Compensation to jurors, &c.

On motion of Mr. Herrick, of Ohio, the committee on the judiciary was instructed to inquire into the expediency of increasing the compensation paid to jurors and witnesses summoned to attend the several courts of the United States.

Revolutionary Survivors.

The house having resolved itself into a committee of the whole on the bill concerning the surviving officers and soldiers of the revolutionary war.—

The debate continued on the main subject, and on the proposed amendment of Mr. Harrison. In this debate Messrs. Bloomfield, S. Smith, Harrison, Colston, Baldwin, Claggett, Hopkinson, Rhea, Ross, Ingham, and Forsyth bore part.

The amendment proposed by Mr. Harrison was ultimately rejected; as also was a previous question for the rising of the committee, in order to postpone the subject.

The committee then went on further to amend the bill, on suggestion of various members. In the proposition and discussion of these amendments, Messrs. Peter, Bloomfield, Livermore, Parris, Rhea, Bennett, Beecher, Harrison, Terry, Forsyth, Smith of N. C. Taylor of N. Y. Tallmadge, Whitman, Claggett, Palmer, and Storrs took part.

Among the successful motions was one by Mr. Parris, to include the "officers and mariners who served in the navy of either of the states, or of

the United States," thus placing the revolutionary officers of the navy on the same footing as those of the army.

The committee of the whole rose, about 4 o'clock, and reported the bill as amended.

The house took up the amendments reported by the committee; when various propositions were successively made and discussed to disagree to or to amend many of them.

The house having, at length, gone through the amendments.

The bill was ordered to be engrossed, as amended, *nem. con.* and read a third time to-morrow.

Christmas Holiday's.

Mr. Spencer offered a joint resolution for the adjournment of the two houses from Wednesday the 24th instant to Monday the 29th, which was concurred in, ayes 84 noes 63—Adjourned.

Surviving Revolutionary Patriots.

Wednesday, Dec. 24.—The bill providing for certain surviving officers and soldiers of the revolutionary army, was read a third time:

A motion was made by Mr. Lowndes to recommit the bill to a committee of the whole house, with instructions "to limit the benefits of the act to soldiers who were enlisted for a term of three years, or for the war, and who did not desert; and to officers who continued in the service of the United States to the conclusion of the war in 1783, or were left out of the service in consequence of disability, or in consequence of some derangement of the army."

The question being stated on thus recommitting the bill, Mr. Edwards moved to amend the said instructions by striking out the words *three years*, and to insert in lieu thereof the words *one year*.

And the question being taken thereon, it was decided in the affirmative.

After considerable debate, in which Messrs. Johnson, of Ky. Miller, Ogle, and Rhea took part, a division of the question being required, it was taken on recommitting the bill, and decided in the negative, ayes 57.

The question was then taken on the final passage of the bill, and decided in the affirmative without a division. And the bill was sent to the senate for concurrence.

New Post Route from Danville to the Lead Mines in Virginia.

On motion of Mr. A. Smyth, the committee on the post office were instructed to inquire into the expediency of establishing a post route from Danville to the Lead Mines in Virginia.

Bounty to Manufacturers.

On motion of Mr. Drake, of Massachusetts it was

Resolved, That the committee of commerce and manufactures be instructed to inquire into the expediency of granting bounties to manufacturers who manufacture a given number of yards of woollen and cotton cloths of a certain width; and that a permanent fund be appropriated for that purpose.

Alteration of a Post Road in South-Carolina.

On motion of Mr. Miller, the committee on post roads was instructed to inquire into the expediency of altering the post road from Sumpter-ville to Columbia, in South-Carolina.

West's Picture.

The bill for the remission of the duties on the

painting presented by Benjamin West to the Pennsylvania Hospital, was taken up in committee of the whole, Mr. Desha in the chair.

Mr. Newton, of Virginia, said the object of the bill under consideration was to remit to the Pennsylvania Hospital, the duties on a painting, called "Christ in the Temple healing the Sick," presented to that institution by Benjamin West.—The British government, with a liberality and promptitude that does honor to it, remitted every charge incident to the exportation. The reception of it in this country would, Mr. N. said he trusted, be met by the government in a spirit not less gracious and liberal. The munificence of this celebrated artist, a munificence, the exercise of which belongs only to genius of a superior order and of extensive acquirements, would, he hoped, be acknowledged in such a manner as to manifest the sense this government entertains of the respect shown by him for this nation. The painting, Mr. N. added, is considered the chef d'œuvre of his pencil. The present is designed as a monument of the love that illustrious man bears his native land. It is highly complimentary of the taste and judgment of this nation. The painting, moreover, reflects honor on this country, and extends its fame, as it is the production of an American.—Permit me, said Mr. N. to congratulate my country on her rising fame. The genius and skill displayed by Trumbull, by Stewart, by Vanderlyn, by Sully, by Peale, and many others, secure to each an imperishable fame, and to their country renown. A new epoch has commenced—its progress is auspicious. The Grecian, Italian, Flemish, French and British schools will be rivalled and equalled, in time, by our own. I congratulate those who are endowed with genius, but whose means are too limited to enable them to seek, in distant regions, the acquirements necessary to form and fix their judgment, and to give to their taste the characters of delicacy and correctness—on the prospect they have of completing their studies in their native land, under political institutions that give genius full scope, and the enjoyment of its creations, and that leave to emulation the influence of developing its powers. The inspiration thus kindled, diffused and made active, will bestow on their works whatever can delight and enchant the mind, and soften and meliorate the heart. Mr. N. asked pardon for this trespass. Had he said less—and less he could not have said, he should not have performed his duty and done justice to his feelings. He hoped the bill would pass unanimously.

The bill was reported to the house, ordered to be engrossed, and subsequently read a third time, passed and sent to the senate.

After the reading and passing of bills for the relief of individuals, &c. the house resumed the consideration of the subject of

Expatriation.

The house then resolved itself into a committee of the whole, Mr. A. Smyth, in the chair, on the "bill by which the right of citizenship may be relinquished."

On suggestion of Mr. Lowndes, that this was a subject of too much importance to be acted on with so thin a house, Mr. Robertson, of Louisiana, (the author of the bill) consented to its postponement, by the committee's rising and obtaining leave to sit again.

And the house adjourned to Monday.

INDIAN NEWS—OFFICIAL.

Copy of a letter from Major General Edmund P. Gaines, to Governor Rabun, of Georgia, (received by express yesterday morning) dated 'Head-Quarters, Fort Scott, Dec. 2, 1817.'

SIR—I have the honor to acknowledge the receipt of your excellency's letter of the 20th of last month. The detachment of militia, I have no doubt will arrive in due time to enable me to put an end to the little war in this quarter, in the course of this or the next month.

With a view to ascertain the strength of the hostile Indians in the vicinity of Fowl Town, and to reconnoitre the adjacent country, I, a few days past detached lieutenant-col. Arbuckle, with 300 men.

The lieutenant-col. reports, that a party of Indians had placed themselves in a swamp, out of which about 60 warriors approached him, and with a war-whoop commenced a brisk fire upon the detachment. They returned the fire in a spirited manner. It continued not more than 15 or 20 minutes before the Indians were silenced, and forced to retire into the swamp with a loss which lieutenant-col. Arbuckle estimates at from 6 to 8 killed, and a much greater number wounded. We had one man killed and two wounded. The enemy have since succeeded in an affair in which the real savage character has been fully exhibited. A large party formed an ambuscade on the 30th ultimo, upon the Appalachicola river, a mile below the junction of the Flint and Chattahoochie, attacked one of our detachments in a boat, ascending near shore, and killed, wounded and took the greater part of the detachment, consisting of 40 men, commanded by lieutenant R. W. Scott. There were also on board the boat, killed or taken, 7 women, the wives of soldiers; six men only escaped, four of whom were wounded. They report that the strength of the current at the point of attack, had obliged the lieutenant to keep his boat near the shore. That the Indians had formed along the bank of the river, and were not discovered until the fire commenced, in the first volley of which, lieutenant Scott and his most active men fell. The lieutenant and his party had been sent from this place some days before, to assist major Muhlenburg in ascending the river with three vessels, laden with military supplies, brought from fort Montgomery and Mobile. The major, it seems, deemed it proper to retain only about 20 men of the party, and in their place put a like number of sick, with the women and some regimental clothing. The boat thus laden was unfortunately detached alone for this place. It is due to major Muhlenburg, to observe that at the time he detached the boat, I have reason to believe he was not apprised of any recent acts of hostility having taken place in this quarter. It appears, however, by a letter from lieutenant Scott, received about the hour in which he was attacked, that he had been warned of the danger which awaited him: I must therefore, conclude, that he felt it to be his duty to proceed. Whether he had received from major Muhlenburg, a positive order to this effect, I have not yet learned. Upon the receipt of lieutenant Scott's letter, I had two boats fitted up with covers of plank, port holes, &c. for defence, and detached them under captain Clinch, with a subaltern officer and 40 men, with an order to secure the movement of lieutenant Scott, and then to assist major Muhlenburg. This detachment embarked late in the evening of the 30th ult. and

must have passed the scene of action (15 miles below this place) at night, and 7 hours after the affair had terminated. I have not yet heard from captain Clinch. I shall immediately strengthen the detachment under major Muhlenburg with another boat, secured against the enemy's fire. It will, therefore, move up safely by keeping near the middle of the river, which, with his vessels and force, is quite practicable. I shall, moreover, take a position, with my principal force, near the junction of the rivers at the line of demarcation between the United States and Spain, and shall attack any force near that place, or that may attempt to intercept our vessels or supplies below.

The wounded men who made their escape, concur in the opinion that they had seen upwards of 500 warriors (supposed to be hostile) at different places on the river, below the point of attack: of the force engaged they differ in opinion; but all agree the number was very considerable, extending about one hundred and fifty yards along the shore, at the edge of a swamp, in a thick wood.

I am assured by the friendly chiefs, that the hostile warriors of the town on the Chattahoochie, have been for some time moving off down the river, to join the Seminoles. Those now remaining on that river, are believed to be well disposed. One of the new settlers there, however, has been recently killed; but it has been already proven, that the perpetrator of this act, together with most of the warriors of this town (High Town) belonged to, and have joined the hostile party. The friendly chief in the neighborhood, promptly dispatched a party in pursuit of the offender, who made his escape towards the Mickasukee town. Onishays, and several other friendly chiefs, have tendered to me their services, with their warriors, to go against the Seminoles. I have promised to give them notice of the time that may be fixed on for my departure, and then to accept of their services.

The enclosed paper contain the substance of what I have said to the chiefs who visited me: several of whom reside south of the Appalachicola.

The chiefs were desirous I should communicate to them my views and wishes. I felt authorized to say but little, and deemed it necessary in what I should say, to counteract the erroneous impressions by which they have been misled by pretended British agents.

I have the honor to be, most respectfully, your obedient servant,

E. P. GAINES.

His Excellency, Governor Rabun.

We publish the following without agreeing in opinion with *A Columbian* on the cruelty with which the friends of freedom in America have been treated.—The fundamentals of the constitution, we will allow are good and would suit a free and well disposed people—but who are the citizens and the people, who have drawn up this constitution and by what authority? Are they the natives of America, or the Floridas? We wish all success to the cause of Spanish America but we cannot be friends to measures of a very questionable cha-

acter, and by men who are themselves as questionable!!! Let us know who these men are who have by the *locum tenens* of Amelia, presumed to enact a constitution for the Floridas. Their acts as far as we have seen have been such as to warrant a suspicion of their designs—however well we may wish to liberty we are enemies to licentiousness. The cause of Spanish patriotism in Amelia under such leaders as have figured at Galvezton would soon become disgraced, and might rather be called the cause of freebootry, a system which we are convinced the real friends of the South American revolution would not wish to be charged with.

FROM THE CITY OF WASHINGTON GAZETTE.

REPUBLIC OF THE FLORIDAS.

City of Washington, 26th Dec. 1817.

SIR—I send you a copy of the provisional constitution for the Floridas, which you will please to publish in the Gazette, and by which the world will be convinced, that the friends of freedom in that quarter, have been cruelly calumniated.

A COLUMBIAN.

REPORT of the Committee appointed to frame the Plan of a Provisional Government, for the Republic of the Floridas.

P. GUAL, Chairman.

V. PAZOS, M. MURDEN.

The committee appointed by this honorable assembly, for the purpose of presenting the project of a provisional government, beg leave to report:

That on the 7th day of this month of December, they met for the first time, according to the resolution of this honorable assembly, and after mature consideration agreed on the following points, as fundamentals for framing the aforesaid project:

Article 1. That the provisional government of the republic of the Floridas, should be divided into the three equally independent departments, viz:

Executive, Legislative and Judicial.

2. That the provisional government should be constituted in such a way as to make the military subordinate and obedient in all cases to the civil authority.

3. That the executive should be vested in a chief magistrate rather than in an executive council of three or five individuals.*

4. That the vacancies of the executive or governor should be supplied by a lieutenant governor; whose duty it shall be to preside over the legislative body, without right of voting, except in cases of equal division.

5. That there should be two secretaries of the government, the one for the department of state and treasury, the other for those of the army and navy of the republic.

6. That the legislative power should be vested in a general assembly, composed of seven members, and it was agreed in the mean time that every district of the Floridas adhering to our cause, should be entitled to send two representatives to the general assembly, according to an act of the election, enacted by the same.

* Vide Federalist No. 70, where this matter has been fairly, and in a masterly manner examined.

7. That the judiciary should be vested in a supreme court of justice, in inferior courts, and justices of the peace.

8. That the supreme court should be composed of the chief justice, two assistant judges and the attorney general.

The committee therefore agreed, this day, on the following project of a provisional government for the republic of the Floridas.

"The representatives of the people wishing to discharge faithfully their duties, to promote to the best of their knowledge, the cause of liberty and independence of the republic of the Floridas, and to secure by these presents the personal rights of their constituents under a good administration of justice, have determined as follows:

GOVERNMENT.

Article 1. The provisional government of the republic of the Floridas shall be democratic and republican, according to the following fundamental rules:

2. The executive power is vested in a governor and council, in certain cases hereafter specified; the legislative in a general assembly composed of the representatives of the people lawfully convened; and the judiciary in a supreme court, in inferior courts and in justices of the peace.

3. There shall be a lieutenant governor to supply the vacancies of governor by death, resignation or otherwise, until another be elected by the people according to law.

4. It shall be the duty of the lieutenant governor to preside over the general assembly, but, without the right of voting, except in cases of equal division.

5. The general assembly shall be composed of seven members, and every district of the Floridas adhering to the cause of liberty and independence shall be entitled to send two representatives to the general assembly, according to a law of election enacted by the same.

6. The following oath shall be administered to the public functionaries of the republic, on their entering into office:

I, A—B—do solemnly swear to maintain and defend, as far as it is in my power, the liberty and independence of the Floridas, from the king of Spain, his heirs, and successors, and to perform truly, and faithfully, the duties of the office of—
—So help me God.

Executive Power.

Article 1. The governor of the republic shall take care that the laws be faithfully executed, and he shall perform in the name of the nation, all the acts of the government within his jurisdiction.

2. The governor shall have power to appoint and commission all the officers, military and civil, with the advice and consent of the council.

3. The governor shall have power to grant pardons for offences against the state, with the advice and consent of the council.

4. The council of the state shall be composed of the governor, lieutenant governor, two secretaries of the government, and the attorney general.

† The committee has endeavored to establish the unity of the project in the council now proposed. Here all the parts of the public administration concentrate. The council, therefore, is chiefly intended to maintain harmony and good understanding between the several branches of the government and by collecting from time to time, into a single body, every species of information, it must infuse life and activity into the whole.

5. There shall be two secretaries of the government, the one for the departments of state and treasury, the other for those of the army and navy, both responsible for their conduct, and appointed by the governor, with the advice and consent of the general assembly.

6. The governor shall take the advice of the council, whenever he may think it necessary, for the best service of the state.

Legislative Power.

Article. 1. The general assembly has the right of enacting all requisite laws.

2. The laws enacted by the general assembly shall have force as soon as they are approved and published by the governor, with the advice and consent of the council; or if devolved with remarks, within six days from the communication thereof, the aforesaid act must pass again by two thirds of the members present of the general assembly before it can be and have force of law.

3. The general assembly, with the concurrence of every one of its members to the charges proposed, has the right of impeachment, in the name of the nation, before an extraordinary tribunal, composed of the chief justice, a member of the general assembly, a member of the council, and the attorney general of the state.

4. Judgments in cases of impeachment shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust, or profit; but the party convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

5. The general assembly may grant leave of absence, or permit the absence of a member who solicits it, provided two thirds of the members remain present.

6. The forms and procedures of enacting laws, and determining other matters in the general assembly, which may not be fixed by these articles, shall be regulated by the assembly itself.

7. No member of the general assembly, shall be called to an account, or be molested for opinions expressed or doctrines professed in the assembly itself.

8. In cases of vacancies of the office of representatives, the governor of the republic shall call, by proclamation, the inhabitants of this island or any district of the Floridas to whom it may concern, to elect on a fixed day another person or persons, for their representative or representatives, according to law.

Judicial Power.

Article. 1. The supreme court of justice shall be composed of a chief justice, two judges, and the attorney general, appointed by the governor and the general assembly.

2. The functions of all the courts of justice, their administration, and jurisdiction shall be determined by law.

4. No person shall be deprived of his liberty and property, but by sentence of a tribunal acknowledged by law, and in cases and according to forms prescribed.

4. Crimes which deserve corporeal or ignominious punishment shall be tried by judges and a jury.

5. The foregoing articles, shall be in force until a constitution be adopted by a convention, legally called and composed of delegates of the majority of the districts of the Floridas, declared free and independent from all allegiance to the king of Spain, his heirs and successors.

Additional Articles.

1. The liberty of the press is warranted by the present act.

2. The liberty of conscience is acknowledged by the republic, as one of the national rights of the people of the Floridas.

The committee have the honor of submitting this project, to the consideration and wisdom of their fellow representatives, in hopes that they may do them the justice, at least, of believing that the committee has been only governed in their proceedings by strict adherence to the principles of free governments, and a sincere wish for the welfare of their constituents.

PETER GUAL, chairman.

VICENTE PAZOS.

MURDEN.

[The council is also calculated to supply the deficiency of a single house of legislature, adopted on account of our peculiar situation. In regard to the executive, the council is finally a council of appointment and advice.]

COMMERCIAL.

The following communications have been received by the collector of the port of Boston from our consul at Palermo.

(No. 1.)

To Henry A. S. Dearborn, Esq. Collector of the Revenue Customs, at Boston.

Palermo, September 15, 1817.

SIR—The enclosed royal order has lately been transmitted to me by the minister of state near his royal highness the hereditary prince, who governs in this island in the name of the king.

Please cause it to be inserted in the newspapers for the information of those it may concern.

I am sir, your most obedient servant,

WM. PORTER

(No. 2.)

To William Porter, Esq. Consul of the United States of America.

Palermo, August 9, 1817.

SIR—I have the honor of transmitting to you the enclosed copy of a royal decree, issued on the first inst. by his majesty the king of the United Kingdom of the two Sicilies, relating to passports, which any foreigner arriving by sea is to be furnished with on entering his majesty's dominions, to which I beg your attention, availing myself of this opportunity to assure you of my particular esteem.

(Signed) THE MARQUIS FERRERI.

(Translation)—(No. 3.)

COPY.

Minister of State near the Lieutenant General.

In a council of state held on the 17th of last month, his majesty has been pleased to determine that no foreigner of whatever nation he may be, arriving by sea, be permitted to land in his majesty's dominions without being furnished with a passport duly legalised by the consuls, vice consuls or other agents of his majesty, or in case of no such consuls or agents residing at the place of departure, that every passenger on board of vessels be obliged to produce a legal passport of the government of the country he comes from—being his majesty's positive intention, to prevent the admittance of those who, without being seamen, or belonging to the crew of vessels, should attempt by inserting themselves as such in the

ship's papers or bills of health of vessels, to introduce themselves, in a clandestine way, into his majesty's said dominions.

In transmitting to you this royal decree, I have to inform you, of its having been communicated, under this day's date, to all foreign ministers and consuls residing in these royal dominions, as well as to his majesty's consuls in foreign countries, intimating to them that the same will be put in execution in three months after its date, for vessels proceeding from places within the Streight, and in six months for those proceeding from any port or country without the Streight of Gibraltar.

His majesty entirely reposing on the zeal and intelligence of his agents, inculcates to them not to permit themselves to be imposed upon by falsified passports of people of lost reputation, and of whom they know, that the government of the place finds satisfaction in getting rid of them endeavoring in such cases, in the best possible manner, to avoid complying with their wishes—which, by order and in the name of his majesty, I take this opportunity of communicating to you, for your intelligence and guidance.

Naples, August 1, 1817.

EDITOR'S CABINET.

We have felt considerable interest in the passage of the bill to provide for the officers and soldiers of the revolutionary war. The recommendation of this measure by the President in his message to congress, met our warmest approbation; and although we lamented that a provision had not been made for them by the nation years before, yet we felt sensible that even at this late period much might be done to alleviate the distress, and make easy the journey of the war-worn veteran to the narrow mansion of rest.

We have observed it through all its stages, and at last find it passing the house with a provision of twenty dollars a month for officers, and eight dollars per month for privates, upon their declaration of indigence and distress; and this seems to have met the approbation of many of our gazettes, who have expressed their satisfaction at the provision made for those long-neglected soldiers of that day which "tried men's souls."

For our part, we are sorry to express our decided opinion of the insufficiency of the provision, considering it not even one third of what a generous and liberal spirit would have dictated; but putting generosity out of the question, and viewing it merely as an act of justice, we will ask any member of that body, whether they consider that two hundred and forty dollars per year, is a fit appropriation for the subsistence and comfort of the veteran general, or other officer of the revolution, whose declining years incapacitate

him for exertions to provide further means of existence; or that 93 dollars per year could support any human being with the necessities of life, without taking into consideration, its comforts?

If this act for providing for the wants of the revolutionary soldier, be at this day an act of justice, and so considered, it has been an act of justice that it had not effect years ago, and in repairing the neglect or oversight of those legislators who preceded them, we were in hopes to have seen a just spirit of liberality exercised, which would have recompensed the few survivors for the deprivations and sufferings, they had so long experienced, from what in their anguish, they must have termed an ungrateful country. Were the officers and soldiers provided with a house, fuel and an ordinary, as in *Greenwich hospital* or the *hotel des invalides* at Paris, then indeed the sum granted by congress to provide those other little comforts and luxuries which sweeten life, would have been fully sufficient; but to pension a revolutionary general, such as St. Clair and others, at two hundred and forty dollars per annum, must be considered by all who take the trouble to view it, as an act of severe economy and not calculated to do us credit either at home or abroad.

Congress should reflect that but for the blood and persevering courage of these brave men, they would not, perhaps, now have legislated as the representatives of freemen. They should remember the revolution was no ordinary war: all in arms were considered traitors; and that the men who fought for their country at that day, fought from a pure and noble patriotism, and established that cause which is now the pride and boast of our nation, and one which we justly venerate. We hope the senate may revise this bill, and send it again to the house with a provision more adequate to the wants of those they mean to relieve.

On the first of January—Thursday next, we understand the president will be happy to receive the greetings of his fellow-citizens and that the house will be thrown open on that occasion. As before suggested we hope the system of the lady of the president as regards returning visits of ceremony has not been considered requisite to be continued. Its non-observance will place the lady of our chief magistrate much more at her ease, and grant her the enjoyment of receiving the visits of the ladies of the district and her friends; a pleasure she could not promise herself if under the fatiguing necessity of returning calls, and pursuing a routine of unmeaning courtesy and parade.

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